

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** Chair Kerry White, on February 24, 2017 at 3:00 PM, in Room 172  
Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Kerry White, Chair (R)  
Rep. Zach Brown, Vice Chair (D)  
Rep. Theresa Manzella, Vice Chair (R)  
Rep. Kim Abbott (D)  
Rep. Bob Brown (R)  
Rep. Virginia Court (D)  
Rep. Willis Curdy (D)  
Rep. Ross H. Fitzgerald (R)  
Rep. John Fleming (D)  
Rep. Kelly Flynn (R)  
Rep. Wylie Galt (R)  
Rep. Steve Gunderson (R)  
Rep. Dale Mortensen (R)  
Rep. Mark Noland (R)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Lexi Goble, Committee Secretary  
Joe Kolman, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 546, 2/20/2017; HB 547, 2/20/2017; HJ 11, 2/20/2017; HJ 15, 2/20/2017  
Executive Action on: HB 540; HB 460; HB 481; HB 498; HB 502; HB 513; HB 555; HB 546; HB 547; HJ 11; HJ 9; HJ 15

**HEARING ON HB 546**

**Opening Statement by Sponsor:**

00:02:38 Rep. Bradley Hamlett (D), HD 23, opened the hearing on HB 546, Revise volume for exempt water right.

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:05:06 Abigail St. Lawrence, Montana Association of Realtors (MAR); Montana Building Industry Association (MBIA)  
00:07:36 Krista Lee Evans, Senior Water Rights Coalition (SWRC); Association of Gallatin Agricultural Irrigators (AGAI)  
00:10:02 Levi Ostberg, Montana Farmers Union (MFU)  
00:10:26 Chelcie Cargill, Montana Farm Bureau Federation (MFBF)  
00:10:57 Ronda Wiggers, Montana Water Well Drillers (MWWD)  
00:11:20 Tim Burton, Montana League of Cities and Towns (MLCT)  
00:12:04 Mike Murphy, Montana Water Resources Association (MWRA)  
00:12:19 Harold Blattie, Montana Association of Counties (MACo)  
00:13:08 Jay Bodner, Montana Stockgrowers Association (MSGA); Montana Cattle Woman (MCW)  
00:13:58 Jeff Barber, Montana Smart Growth Coalition

**Informational Testimony:**

00:14:26 Millie Heffner, Department of Natural Resources and Conservation (DNRC)

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:15:05 Rep. Hamlett

**HEARING ON HB 547**

**Opening Statement by Sponsor:**

00:19:28 Rep. Bradley Hamlett (D), HD 23, opened the hearing on HB 547, Define combined appropriation of water.

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:21:05 Abigail St. Lawrence, Montana Building Industry Association (MBIA); Montana Association of Realtors (MAR)  
00:22:53 Krista Lee Evers, Senior Water Rights Coalition (SWRC); Association of Gallatin Agricultural Irrigators (AGAI)  
00:23:51 Ronda Wiggers, Montana Water Well Drillers (MWWD)  
00:24:23 Tim Burton, Montana League of Cities and Towns (MLCT)  
00:25:19 Levi Ostberg, Montana Farmers Union (MFU)  
00:25:34 Chelcie Cargill, Montana Farm Bureau Federation (MFBF)  
00:26:17 Mike Murphy, Montana Water Resources Association (MWRA)

00:26:32 Jay Bodner, Montana Stockgrowers Association (MSGA); Montana Cattle Woman (MCW)  
00:27:04 Bryan Bramblett, Department of Natural Resource and Conservation (DNRC)  
00:28:03 Bryan Ohs, Montana Trout Unlimited (MTU)

**EXHIBIT(nah41a01)**

00:28:42 Jeff Barber, Clark Fork Coalition (CFC); Montana Smart Growers Association (MSGA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:29:32 Chair White  
00:30:08 Bryan Bramblett, DNRC  
00:30:37 Chair White  
00:31:45 Krista Lee Evans, SWRC; AGAI  
00:32:24 Chair White

**Closing by Sponsor:**

00:32:40 Rep. Hamlett

**HEARING ON HJ 11**

**Opening Statement by Sponsor:**

00:41:33 Rep. Virginia Court (D), HD 50, opened the hearing on HJ 11, Joint resolution honoring public lands.

**Proponents' Testimony:**

00:46:19 Ben Goertzen, Self  
00:48:10 Heidi Buzzetti, Montana State University Wilderness Association  
00:50:24 Levi Ostberg, Montana Farmers Union (MFU)  
00:51:05 Dan Roper, Montana Audubon  
00:52:36 Jerry Davis, Montana Bowhunters Association (MBA)  
00:54:08 Nick Gevock, Montana Wildlife Federation (MWF)  
00:56:22 Shannon Wilson, Self  
00:57:17 Jordan Straub, Forward Montana Foundation  
00:58:56 Steve McEvoy, Self  
01:01:23 Nancy Ostile, Great Old Broads for Wilderness

**EXHIBIT(nah41a02)**

01:03:38 Paulette Hutcheon, Self  
01:04:59 Sadie Russell, Self  
01:05:36 Derek Goldman, Self  
01:06:04 Bill Hallinan, Self  
01:07:01 Richard Halverson, Self  
01:08:19 Ben Fuller, Self

**EXHIBIT(nah41a03)**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:09:59 Rep. Court

01:14:50 Brief Recess

01:25:52 Reconvene

**HEARING ON HJ 15**

**Opening Statement by Sponsor:**

01:28:54 Rep. Steve Gunderson (R), HD 1, opened the hearing on HJ 15, Resolution urging the delisting of grizzly bears.

[EXHIBIT\(nah41a04\)](#)

[EXHIBIT\(nah41a05\)](#)

**Proponents' Testimony:**

01:34:08 Rep. Sue Vinton

01:36:59 Butch Gillespie, Marias Rivers livestock Association (MRLA)

01:38:24 Dawn Clark, Libby Rod and Gun Club

01:41:12 Rep. Cuffe

01:41:43 Joanna Clark, Montana Cattlemen's Association (MCA)

01:42:16 Jim Baker, Montana Cattlemen's Association (MCA)

01:44:12 Dave McEwen, Montana Wool Growers Association (MWGA)

01:45:47 Paul Fielder, Self

01:48:36 Herald Yeager, Self

[EXHIBIT\(nah41a06\)](#)

01:49:37 Ben Hofer, Rocky Mountain Fort

[EXHIBIT\(nah41a07\)](#)

01:50:48 Ben Wipf, Mineral Colony

01:52:14 Mark Lambrick, Rocking Mountain Elk Foundation (RMEF)

01:53:25 Jean Johnson, Montana Outfitters and Guides Association (MOGA)

01:54:38 Brian Quigley, Rocky Mountain Sod Growers Association (RMSGGA)

01:54:59 Paul Bradford, Libby Rod and Gun Club

01:56:53 Chelcie Cargill, Montana Farm Bureau Federation (MFBF)

01:57:58 Jay Bodner, Montana Stockgrowers Association (MSGGA)

01:59:24 Jim Brown, Montana Wool Growers Association (MWGA)

[EXHIBIT\(nah41a08\)](#)

02:02:04 Levi Ostberg, Montana Farmers Union (MFU)

02:03:48 Mark Baker, Montana Wood Products Association

[EXHIBIT\(nah41a09\)](#)

02:04:55 Denley Loge, Western Montana

02:05:26 Cody Yeager, Self

**Opponents' Testimony:**

02:08:15 Erin Edge, Defenders of Wildlife  
02:10:01 Carline Byrd, Greater Yellowstone Coalition

**EXHIBIT(nah41a10)**

02:12:25 Ben Lamb, National Wildlife Federation (NWF); Backcountry Hunters and Anglers (BHA)  
02:14:44 Nick Gevock, Montana Wildlife Federation (MWF)  
02:16:37 Jordan Thompson, Confederated Salish and Kootenai Tribe (CSKT)  
02:17:49 Amy Seaman, Montana Audubon  
02:20:05 Derek Goldman, Endangered Species Coalition (ESC)

**EXHIBIT(nah41a11)**

**EXHIBIT(nah41a12)**

**Informational Testimony:**

02:23:01 Quentin Kujala, Montana Fish Wildlife and Parks (FWP)

**Questions from Committee Members and Responses:**

02:23:28 Rep. Windy Boy  
02:24:11 Derek Goldman, ESC  
02:24:17 Rep. Curdy  
02:24:33 Rep. Gunderson  
02:24:43 Paul Fielder, Self  
02:25:30 Chair White  
02:26:30 Paul Fielder, Self  
02:27:00 Rep. Court  
02:27:22 Nick Gevock, MWF  
02:28:58 Rep. B. Brown  
02:29:35 Carline Byrd, Greater Yellowstone Coalition  
02:31:43 Rep. Z. Brown  
02:32:34 Quentin Kujala, FWP  
02:33:19 Rep. Fitzgerald  
02:34:19 Quentin Kujala, FWP  
02:35:03 Rep. Flynn  
02:36:07 Carline Byrd, Greater Yellowstone Coalition  
02:38:15 Rep. Manzella  
02:39:00 Paul Fielder, Self  
02:42:23 Chair White  
02:44:40 Quentin Kujala, FWP  
02:45:53 Rep. Court  
02:45:56 Quentin Kujala, FWP  
02:46:18 Rep. Fleming  
02:47:10 Nick Gevock, MWF  
02:47:26 Derek Goldman, ESC  
02:48:22 Rep. Manzella  
02:48:51 Paul Fielder, Self

**Closing by Sponsor:**

02:49:55 Rep. Gunderson

02:52:18 Recess  
03:21:52 Reconvene

**EXECUTIVE ACTION ON HB 540**

03:22:40 **Motion:** Rep. Noland moved that **HB 540 DO PASS.**

03:23:01 **Motion:** Rep. White moved that **HB 540 BE AMENDED.**  
**EXHIBIT**(nah41a13)

**discussion:**

03:24:36 Rep. Z. brown  
03:24:41 **Vote:** Motion carried unanimously by voice vote.

03:25:15 Rep. Curdy  
03:25:22 Chair White

03:25:41 **Motion:** Rep. Noland moved that **HB 540 DO PASS AS AMENDED.**

03:25:54 **Substitute Motion:** Rep. Z. Brown made a substitute motion to **POSTPONE ACTION ON HB 540.** Motion was without objection.

**EXECUTIVE ACTION ON HB 460**

03:26:38 **Motion:** Rep. Fitzgerald moved that **HB 460 DO PASS.**

**Discussion:**

03:27:05 Rep. Flynn  
03:27:31 Rep. Fitzgerald

03:28:33 **Vote:** Motion carried 13-2 by roll call vote with Rep. Flynn and Rep. Galt voting no.

**EXECUTIVE ACTION ON HB 481**

03:29:42 **Motion:** Rep. B. Brown moved that **HB 481 DO PASS.**

**Discussion:**

03:30:05 Joe Kolman, Legislative Services Division (LSD)

03:30:28 **Motion:** Rep. B. Brown moved that **HB 481 BE AMENDED.**  
**EXHIBIT**(nah41a14)

**Discussion:**

03:30:51 Joe Kolman, LSD  
03:31:49 Chair White  
03:32:00 Joe Kolman, LSD

03:32:12 **Vote:** Motion carried unanimously by voice vote.

03:32:40 **Motion:** Rep. B. Brown moved that **HB 481 DO PASS AS AMENDED.**

**Discussion:**

03:32:46 Rep. Curdy  
03:36:49 Rep. Manzella  
03:37:18 Rep. Z. Brown  
03:37:38 Rep. Flynn  
03:38:46 Rep. Fitzgerald  
03:40:10 Chair White  
03:42:09 Rep. Noland  
03:42:39 Rep. B. Brown

03:44:25 **Vote:** Motion carried 8-7 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Court, Rep. Curdy, Rep. Fleming, Rep. Flynn and Rep. Manzella voting no.

**EXECUTIVE ACTION ON HB 498**

03:45:44 **Motion:** Rep. Manzella moved that **HB 498 DO PASS.**

**Discussion:**

03:45:59 Joe Kolman, LSD  
03:46:25 Rep. Flynn  
03:47:01 Rep. B. Brown  
03:47:27 Rep. Curdy

03:47:50 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 502**

03:48:31 **Motion:** Rep. Z. Brown moved that **HB 502 DO PASS.**

**Discussion:**

03:48:41 Joe Kolman, LSD  
03:50:03 Chair White  
03:50:23 Joe Kolman, LSD  
03:50:32 Rep. B. Brown  
03:50:52 Joe Kolman, LSD

03:50:59 **Motion:** Rep. Z. Brown moved that **HB 502 BE AMENDED.**  
[EXHIBIT\(nah41a15\)](#)

03:52:16 **Vote:** Motion carried unanimously by voice vote.

03:52:39 **Motion:** Rep. Z. Brown moved that **HB 502 DO PASS AS AMENDED.**

**Discussion:**

03:52:55 Rep. Court  
03:53:14 Rep. Curdy  
03:54:12 Joe Kolman, LSD

03:54:32 Rep. Flynn  
03:55:26 Rep. B. Brown

03:56:39 **Vote:** Motion failed 5-10 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Court, Rep. Fleming and Rep. Windy Boy voting aye.

**Motion/Vote:** Rep. Z. Brown moved that **HB 502 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 513**

03:58:06 **Motion/Vote:** Rep. Manzella moved that **HB 513 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 555**

03:58:38 **Motion:** Rep. Manzella moved that **HB 555 DO PASS**.

03:59:16 **Motion:** Rep. Manzella moved that **HB 555 BE AMENDED**.  
[EXHIBIT\(nah41a16\)](#)

**Discussion:**

03:59:36 Rep. Z. Brown  
04:00:09 Rep. B. Brown

04:00:27 **Vote:** Motion carried unanimously by voice vote.

04:00:45 **Motion:** Rep. Z. Brown moved that **HB 555 DO PASS AS AMENDED**.

**Discussion:**

04:00:53 Rep. Windy Boy  
04:01:36 Joe Kolman, LSD

04:03:42 **Vote:** Motion carried 14-1 by roll call vote with Rep. Curdy voting no.

**Discussion:**

04:05:13 Rep. Flynn  
04:05:36 Rep. Manzella  
04:05:55 Rep. Flynn  
04:06:47 Rep. Manzella  
04:06:56 Chair White

**EXECUTIVE ACTION ON HB 546**

04:07:08 **Motion:** Rep. Z. Brown moved that **HB 546 DO PASS**.

**Discussion:**

04:07:25 Rep. Galt



04:07:37 **Substitute Motion:** Rep. Galt made a substitute motion that **HB 546 BE TABLED.**

04:07:44 **Vote:** Motion carried 14-1 by roll call vote with Rep. Windy Boy voting no.

**EXECUTIVE ACTION ON HB 547**

04:08:40 **Motion:** Rep. Z. Brown moved that **HB 547 DO PASS.**

04:09:01 **Substitute Motion:** Rep. Galt made a substitute motion that **HB 547 BE TABLED.**

04:09:12 **Vote:** Motion carried 14-1 by roll call vote with Rep. Windy Boy voting no.

**EXECUTIVE ACTION ON HJ 9**

04:10:01 **Motion:** Rep. White moved that **HJ 9 DO PASS.**

04:10:23 **Motion:** Rep. White moved that **HJ 9 BE AMENDED.**  
**EXHIBIT**(nah41a17)

**Discussion:**

04:10:29 Chair White

04:12:50 **Vote:** Motion carried 10-5 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Curdy, Rep. Fleming and Rep. Windy Boy voting no.

04:13:52 **Motion:** Rep. Flynn moved that **HJ 9 BE AMENDED.**  
**EXHIBIT**(nah41a18)

**Discussion:**

04:15:14 Rep. Flynn

04:16:09 **Substitute Motion:** Rep. White made a substitute motion that **HJ 9 BE CONCEPTUALLY AMENDED WITH LINE 1 OF AMENDMENT HJ000902.AJK.**

04:16:56 Rep. Flynn

04:17:12 Rep. Z. Brown

04:17:17 Chair White

04:18:46 Rep. Flynn

04:19:56 Rep. Curdy

04:21:31 Rep. Noland

04:22:23 Noland

04:22:32 Rep. Flynn

04:24:51 **Vote:** Motion carried 9-6 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Court, Rep. Curdy, Rep. Fleming and Rep. Windy Boy voting no.

**Discussion:**

04:25:11 Rep. Fleming  
04:25:43 Rep. Flynn  
04:27:21 Rep. B. Brown  
04:27:57 Rep. Flynn  
04:28:49 Rep. Curdy  
04:29:51 Chair White  
04:30:39 Rep. Flynn

04:31:40 **Motion:** Rep. White moved that **HJ 9 BE CONCEPTUALLY AMENDED WITH LINES 2 AND 3 OF AMENDMENT HJ000902.AJK.**

04:31:51 **Vote:** Motion failed 3-12 by roll call vote with Rep. Court, Rep. Curdy and Rep. Flynn voting aye.

04:33:12 **Motion:** Rep. White moved that **HJ 9 DO PASS AS AMENDED.**

04:33:38 **Vote:** Motion carried 9-6 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Court, Rep. Curdy, Rep. Fleming and Rep. Windy Boy voting no.

**EXECUTIVE ACTION ON HJ 11**

04:35:15 **Motion:** Rep. Court moved that **HJ 11 DO PASS.**

**Discussion:**

04:35:57 Rep. Court  
04:36:57 Rep. Flynn  
04:38:42 Chair White  
04:41:06 Rep. Court  
04:42:34 Rep. Flynn  
04:43:12 Rep. Court  
04:43:53 Rep. Abbott  
04:44:28 Rep. B. Brown  
04:46:12 Rep. Gunderson

04:46:33 **Motion:** Rep. Z. Brown moved that **HJ 11 BE CONCEPTUALLY AMENDED TO REMOVE "TAKEOVER" AND "CONVEY".**

04:47:05 Rep. Court  
04:47:51 Rep. Gunderson

04:48:08 **Vote:** Motion failed 6-9 by roll call vote with Rep. Z. Brown, Rep. Court, Rep. Curdy, Rep. Fleming, Rep. Flynn and Rep. Windy Boy voting aye.

04:49:21 **Motion:** Rep. Court moved that **HJ 11 BE CONCEPTUALLY AMENDED TO REMOVE "CLAIM, TAKEOVER, CONVEY, OR" AND INSERT "TRANSFER".**

**Discussion:**

04:49:44 Rep. Gunderson  
04:50:04 Chair White

04:50:32 Rep. Gunderson  
04:50:45 Rep. Flynn

04:51:21 **Vote:** Motion failed 6-9 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Court, Rep. Curdy, Rep. Fleming and Rep. Mortensen voting aye.

04:52:46 Rep. Court  
04:53:15 Rep. Gunderson

04:53:36 **Vote:** Motion failed 7-8 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Court, Rep. Curdy, Rep. Fleming, Rep. Flynn and Rep. Windy Boy voting aye.

04:54:23 **Motion:** Rep. Manzella moved that **HJ 11 BE TABLED.**

04:54:31 **Vote:** Motion carried 9-6 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Court, Rep. Curdy, Rep. Fleming and Rep. Windy Boy voting no.

#### **EXECUTIVE ACTION ON HJ 15**

04:55:41 **Motion:** Rep. Gunderson moved that **HJ 15 DO PASS.**

#### **Discussion:**

04:55:58 Joe Kolman, LSD  
04:56:07 REP. Windy Boy  
04:56:29 Rep. Z. Brown  
04:58:37 Rep. Curdy  
05:00:12 Chair White  
05:00:38 Rep. Z. Brown  
05:00:53 Rep. Fleming  
05:01:47 Rep. Flynn

05:01:59 **Vote:** Motion carried 9-6 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Court, Rep. Curdy, Rep. Fleming and Rep. Windy Boy voting no.

05:03:06 Rep. B. Brown

#### **EXECUTIVE ACTION ON HB 424**

05:04:00 **Motion:** Rep. Z. Brown moved that **HB 424 BE REMOVED FROM TABLE.**

05:05:22 **Vote:** Motion carried 14-1 by roll call vote with Rep. Noland voting no.

05:05:25 **Motion:** Rep. Z. Brown moved that **HB 424 DO PASS.**

05:05:45 **Motion:** Rep. Z. Brown moved that **HB 424 BE AMENDED.**

[\*\*EXHIBIT\(nah41a19\)\*\*](#)

#### **Discussion:**

05:06:11 Joe Kolman, LSD  
05:07:19 Chair White

05:07:53 Rep. Z. Brown

05:08:52 **Vote:** Motion carried unanimously by voice vote.

05:09:06 **Motion:** Rep. Z. Brown moved that **HB 424 DO PASS AS AMENDED.**

05:09:19 Rep. Noland

05:09:56 Rep. Z. Brown

05:10:11 Rep. B. Brown

05:10:31 **Vote:** Motion carried 14-1 by voice vote with Rep. Noland voting no.

**EXECUTIVE ACTION ON HB 368**

05:11:03 **Motion:** Rep. Z. Brown moved that **HB 368 BE REMOVED FROM TABLE.**

05:11:10 **Vote:** Motion carried 12-3 by voice vote with Rep. Court, Rep. Manzella and Rep. Noland voting no.

05:11:41 **Motion:** Rep. Z. Brown moved that **HB 368 DO PASS.**

05:11:47 **Motion:** Rep. Z. Brown moved that **HB 368 BE AMENDED.**

[EXHIBIT](#)(nah41a20)

05:13:44 Joe Kolman, LSD

05:14:46 Chair White

05:15:44 **Vote:** Motion carried unanimously by voice vote.

05:16:03 **Motion:** Rep. Z. Brown moved that **HB 368 DO PASS AS AMENDED.**

05:16:20 **Vote:** Motion carried 9-6 by roll call vote with Rep. B. Brown, Rep. Fitzgerald, Rep. Gunderson, Rep. Manzella, Rep. Mortensen and Rep. Noland voting no.

**ADJOURNMENT**

Adjournment: 05:18:20

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Lexi Goble, Secretary

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Additional Documents:

**EXHIBIT**([nah41aad.pdf](#))